

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HECTOR MARTINEZ,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-11-830-F
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER**

On January 22, 2013, United States Magistrate Judge Robert E. Bacharach issued three separate recommended rulings. They are as follows:

1. “Report and Recommendation: FTCA Claim Relating to Negligence in Medical Care,” recommending that defendant’s motion to dismiss, which seeks dismissal of plaintiff’s FTCA claim, relating to negligence in medical care, based on a lack of subject-matter jurisdiction and failure to state a claim on which relief may be granted, be denied;

2. “Report and Recommendation: FTCA Claim Relating to Prison Assault,” recommending that defendant’s motion to dismiss, which seeks dismissal of plaintiff’s FTCA claim, relating to a prison assault, on grounds that it was filed too late, be denied; and

3. “Report and Recommendation: The Plaintiff’s Application for an Extension of Time (Doc. 95),” recommending that if the court adopts the “Report and Recommendation: FTCA Claim Relating to Negligence in Medical Care,” it should dismiss plaintiff’s extension request on grounds of mootness.

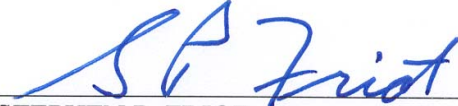
In all three report and recommendations, Magistrate Judge Bacharach advised the parties of their right to file an objection by February 8, 2013 and that failure to

timely object would foreclose appellate review of the suggested rulings. To date, neither party has filed an objection to the recommended rulings. With no objection being filed, the court accepts the recommended rulings.

Accordingly, the “Report and Recommendation: FTCA Claim Relating to Negligence in Medical Care,” the “Report and Recommendation: FTCA Claim Relating to Prison Assault,” and the “Report and Recommendation: The Plaintiff’s Application for an Extension of Time (Doc. 95),” all filed January 22, 2013 (doc. nos. 125, 126, and 127), are **ACCEPTED**.

Defendant’s Partial Motion to Dismiss for Lack of Subject-Matter Jurisdiction, filed August 15, 2012 (doc. no. 58), and Defendant’s Partial Motion to Dismiss for Lack of Subject-Matter Jurisdiction, or in the Alternative, For Failure to State a Claim, filed August 24, 2012 (doc. no. 61), are **DENIED**. Plaintiff’s request for an extension of time, filed October 19, 2012 (doc. no. 95), is **DISMISSED** on grounds of mootness. This matter is re-referred to Magistrate Judge Bacharach in accordance with 28 U.S.C. § 636 and the court’s previous order of July 25, 2011 (doc. no. 3).

DATED February 22, 2013.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE